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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,  
DEPARTMENT OF JUSTICE, BUREAU OF  
ALCOHOL, TOBACCO FIREARMS AND  
EXPLOSIVES,

Plaintiff,

-against-

MESSADOS, INC.,

Defendant.

Case No. 18 CV \_\_\_\_\_

**COMPLAINT**

Plaintiff, United States of America, Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (“ATF”), by its attorney, Geoffrey S. Berman, United States Attorney for the Southern District of New York, by way of this Complaint against defendant Messados Inc. (“Messados”), alleges as follows:

**INTRODUCTION**

1. This action arises from an automobile accident between a vehicle owned by the ATF and a vehicle registered in New York State to Messados, which at the time of the accident was being operated as a taxi cab by Somnoma Fabien Bonkounbou (“Bonkounbou”).

### **JURISDICTION AND VENUE**

2. The United States District Court for the Southern District of New York has jurisdiction over this matter pursuant to 28 U.S.C. § 1345, which provides for original jurisdiction of civil actions commenced by the United States of America, or by any agency or officer expressly authorized to sue.

3. Venue is appropriate in the Southern District of New York pursuant to 28 U.S.C. § 1391(b). Defendant Messados is a New York corporation doing business in New York County, the place where the events giving rise to the claims asserted herein occurred.

### **PARTIES**

4. ATF is an agency of the United States of America within the United States Department of Justice, with an office located at 32 Old Slip, New York, New York 10005.

5. Defendant Messados is a corporation arising under the laws of and doing business in the State of New York. At the time of the car accident identified below, Messados had registered in its name a 2016 Nissan NV 2000, which bore a New York license plate number 6J71B and Vehicle Identification Number 3N8CM0JT4GK699148 (the “Nissan”).

### **COUNT ONE**

6. On May 18, 2017, at approximately 7 p.m., Dean J. Conigliaro (“Conigliaro”), an employee of the ATF, was operating a 2010 Chevrolet Sedan, having Vehicle Identification Number 2G1WC5EMXA1113432, and bearing New York State license plate number EVM6362 (the “Sedan”).

7. At the above time and place, Conigliaro was operating the Sedan in a safe and careful manner heading eastbound on 42nd Street in New York City.

8. At the above time and place, Bonkounbou was operating the Nissan in the same area as the Sedan being driven by Conigliaro.

9. At the above time and place, the Nissan struck the Sedan after Bonkounbou exited a driveway on the north side of West 42nd Street and made a left turn across a double yellow line onto 42nd Street (the “Accident”).

10. An officer from the New York City Police Department, Natasha M. Cruzado, responded to the Accident.

11. Bonkounbou stated to Officer Cruzado that he struck the Sedan after making a left turn onto West 42nd Street.

12. By driving across the double yellow line onto 42nd Street, Bonkounbou violated a traffic safety law of the City of New York.

13. Bonkounbou operated, controlled, and maintained the Nissan in such a negligent and careless manner so as to cause the Accident.

14. As a direct and proximate result of Bonkounbou’s negligent and careless operation of the Nissan, the Sedan sustained damage in the amount of \$2,826.45.

WHEREFORE, the ATF demands judgment against defendant Messados for damages, attorney's fees, costs, and any other relief that the Court may deem just and proper.

Respectfully submitted,

Dated: New York, New York  
August 30, 2018

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